

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

DAVID J. MALAND, CLERK

TONJA LITRELL, JEFF LITRELL  
AND TONJA AND JEFF LITRELL, AS  
NEXT OF FRIENDS OF RLL, A MINOR  
CHILD,

Plaintiffs,

VS.

J.C. PENNEY CORPORATION, INC.,  
D/B/A J.C. PENNEY, J.C. PENNEY  
HOLDINGS, INC., D/B/A J.C. PENNEY,  
AND J.C. PENNEY COMPANY, INC.,  
D/B/A J.C. PENNEY,

**Defendants.**

[illegible]

Case No. 4:10cv333

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 11, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that the parties' "Agreed Motion to Dismiss Removal" (Dkt. 7) was in essence an agreed motion to remand and should be GRANTED and that this case should be remanded for further proceedings.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, the "Agreed Motion to Dismiss Removal" (Dkt. 7) is GRANTED and this case shall be remanded to the 401st<sup>1</sup> District Court of Collin County, Texas for further proceedings.

**IT IS SO ORDERED.**

SIGNED this 8<sup>th</sup> day of March, ~~2010~~<sup>2011</sup>.

A handwritten signature in black ink that reads "Richard A. Schell". The signature is written in a cursive, flowing style.

RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>The court notes that the report references the 410<sup>th</sup> District Court because that is the court number referenced on the Index of State Court Pleadings filed by the parties. Upon further review, it appears that the correct court is the 401<sup>st</sup> District Court.